

**10/669,290**  
**Notice of Allowability**

|                 |                     |  |
|-----------------|---------------------|--|
| Application No. | Applicant(s)        |  |
| 10/669,290      | SHUTTLEWORTH ET AL. |  |
| Examiner        | Art Unit            |  |
| Lun-See Lao     | 2615                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS**. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the election filed on 05-18-2007.
2.  The allowed claim(s) is/are 1-33.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO/SB/08),  
 Paper No./Mail Date \_\_\_\_\_.
4.  Examiner's Comment Regarding Requirement for Deposit  
 of Biological Material
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
 Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

**DETAILED ACTION**

1. This action is in response to the election filed 05-18-2007. Claims 1-46 been elected and claims 47-67 have been cancelled. Claims 1-46 are pending.

***Examiner's Amendment***

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

3. Authorization for this examiner's amendment was given in a telephone interview with Mr. David P. Lindner on 08-06-2007.

4. The application has been amended as follows:

Please cancel claims 34-46.

***Allowable Subject Matter***

5. Claims 1-33 are allowed.

6. The following is an examiner's statement of reasons for allowance:

7. Prior art of record such as Hein (US PAT 6,805,633) teaches a noise compensation system comprising:

a variable amplifier (see fig.9 (960, 962)) configured to receive an audio input signal and to generate an audio output signal in response to the audio input signal;

where the variable amplifier (960,930) is further configured to receive an adjustment signal and to control an output level of the audio output signal in response to the adjustment signal;

an area sound processor (900-906,920-928,940-944) configured to receive an ambient sound input signal and configured to generate a set of ambient sound levels, where each ambient sound level from the set of ambient sound levels is derived from the ambient sound input signal in a corresponding frequency band from the set of frequency bands (902,922,942); and

an adjustment circuit (930) coupled to the source and area sound processors, configured to perform a comparison of the set of audio output levels with the set of ambient sound levels, and configured to generate the adjustment signal in response to the comparison (see col. 8 line 51-col. 9 line 67).

However, none of the prior of record teaches or suggests to modify further including that "a source sound processor coupled to the variable amplifier, configured to receive the audio output signal, and configured to generate a set of audio output levels, where each audio output level from the set of audio output levels is indicative of the audio output signal in a corresponding frequency band from a set of frequency bands" in combination with the elements above as recited in independent claim 1.

These limitations, in combination with the remaining limitations of independent claim 1, are not taught nor suggested by the prior art of record.

Dependent claims 2-33 are dependency to independent claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Anderson (US PAT. 5,170,434) and Op De Beek (US PAT. 4,628,530) are cited to show other related ambient noise sound level compensation.

9. Any response to this action should be mailed to:

Mail Stop \_\_\_\_ (explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Facsimile responses should be faxed to:  
**(571) 273-8300**

Hand-delivered responses should be brought to:  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lao,Lun-See whose telephone number is (571) 272-7501. The examiner can normally be reached on Monday-Friday from 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

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supervisor, Vivian Chin, can be reached on (571) 272-7848.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 whose telephone number is (571) 272-2600.

Lao,Lun-See *L.S.*  
Patent Examiner  
US Patent and Trademark Office  
Knox  
571-272-7501  
Date 08-21-2007



VIVIAN CHIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600